

Remarks

Claims 1-14 remain pending in this application. In view of the following remarks, reconsideration of the above-identified application is respectfully requested.

Claims 1, 5-8 and 13-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aaltonen et al. (US patent 7236771, hereinafter, "Aaltonen") in view of Sibley (US patent application 2001/0053700, hereinafter, "Sibley").

Claims 2-4, 9-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aaltonen in view of Sibley and in further view of Benveniste (US patent application 2003/0174690, hereinafter, "Benveniste").

Independent claim 1 recites, in part:

"... broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel over which data is transmitted to and from an access point; ..."

Independent claim 7 recites, in part:

"... a video broadcast network for broadcasting the video from the encoder on a video channel having a frequency different from a wireless data channel over which data is broadcast from an access point while maintaining the video channel in a broadcast-only mode, ..."

Independent claim 13 recites, in part:

"... providing a bi-directional wireless data channel for a data LAN separate and distinct from the video LAN and in communication with the mobile communication device."

In rejecting these independent claims, the Examiner relied on FIG. 2 of Aaltonen showing a one-way video broadcast channel 120 that does not transmit a request signal back to the network, and that a request signals is transmitted via network 27 (e.g., page 5, Office Action). The Examiner further stated (page 2, Office Action), that "[i]t is clear that return channel 23 is a bi-directional data channel and communicates or exchanges data with device (3)."

Applicants submit that, although channel 120 is a one-way broadcast channel, it is different from the video channel in Applicants' claimed invention. Furthermore, there is simply no support in Aaltonen that the return channel 23 is a bi-directional data channel.

For example, in connection with FIG. 1, Aaltonen teaches that a user with a digital receiver or terminal 3 can receive data broadcast by a terrestrial digital video broadcast (DVB-T) network 1 from a transmitter 11, and that the broadcast data derived from a variety of sources "include TCP/IP, datagrams (UDP/IP) and Television content" (col. 3, lines 38-47).

Thus, Aaltonen specifically teaches that both data and video content are broadcast from the transmitter 11, i.e., via the same channel 120. There is no teaching that the video broadcast channel is different from a data broadcast channel.

In other words, Aaltonen does not teach that channel 120 is a video channel having a carrier frequency different from that of a wireless data channel over which data is transmitted to and from an access point (as in Applicants' claim 1), or a wireless data channel over which data is broadcast from an access point (as in Applicants' claim 7).

Furthermore, there is no support in Aaltonen that the return channel 23 is a bi-directional data channel. Instead, Aaltonen consistently teaches that the communication direction for channel 23 goes from terminal 3 or mobile station 12, via PLMN 27, to the subscriber management system (SMS) 29 of DVB-T network 1; and that channel 23 is used for sending user's requests for content, or for sending a delivery status report, to SMS 29. Ample support for this uni-directional nature of channel 23 is found in the following sections of Aaltonen:

"Thus, a user may request the delivery of a computer file via the network 1 to his or her terminal 3. Such functionality requires a return channel 23 from the terminal 3 to the DVB-T network 1 and a conditional access component in the terminal 3. The return channel 23 can be provided in the form of a dial-up connection using a modem function of the MS 12. The MS 12 which is connected to the terminal 3, establishes a connection over a telecommunications network 27 such as a PLMN and/or PSTN 27 to a subscriber management system (SMS) 29 (shown externally of network 1 for clarity only) of the DVB-T network 1." (col. 3, line 62 - col. 4, line 5; emphasis added)

"In the situation illustrated in the FIG. 2, a user has requested via his or her return channel 23 a specific item of content R_C . The return channel 23 in this instance is provided by the MS 12 connected, in use, to the PLMN 27. In this instance, the user has requested using his or her terminal 3, a webpage made up of textual and graphical material, although the request could have been for a particular channel of television content. The request

R_C from the user is passed via the IR link 14 to the MS 12 which connects via the PLMN 27 to the SMS 29 of the broadcast network 1, where it is identified as being a request for Internet content." (col. 3, lines 23-32; emphasis added)

"However, where acknowledgement is possible and desirable, the status report 130 is passed 140 over the return channel 23 via the PLMN 27 to the SMS 29 and contains confirmation of whether the content C has reached the terminal 3 successfully." (col. 5, lines 25-29; emphasis added)

Thus, contrary to the assertion in the Office Action, Aaltonen does not teach any data broadcast or transmission, via channel 23, from network 1 to terminal 3. All that Aaltonen teaches is that both data and video are broadcast via channel 120 to terminal 3, and that user request is transmitted on channel 23 from terminal 3 to SMS 29.

As such, unlike Applicants' invention, the return channel 23 is not a channel over which data is transmitted to and from an access point (as in Applicants' claim 1), or a channel over which data is broadcast from an access point (as in Applicants' claim 7), or a bi-directional wireless data channel (as in Applicants' claim 13).

The Office Action further stated that Aaltonen does not teach encoding the video into at least one prescribed format, and thus, Sibley was cited as teaching this feature missing from Aaltonen.

Since there is no showing in the Office Action that Sibley teaches Applicants' claimed feature of a video channel having a carrier frequency different from that of a data channel over which data can be transmitted in a bi-directional manner, the combination of Aaltonen and Sibley still would not teach each and every feature in Applicants' independent claims 1, 7 or 13. Therefore, independent claims 1, 7 and 13 are patentable over the combined teaching of Aaltonen and Sibley.

With respect to independent claim 13, there is also no showing in the Office Action that Aaltonen or Sibley teaches the claimed features of "initiating selection of a video local area network upon user activation of the device," and/or "detecting transmission of the video broadcast from the video LAN without trying to uplink traffic to the video LAN." Thus, for this additional reason, claim 13 is not obvious over Aaltonen and Sibley.

Claims 2-6, 8-12 and 14 depend from claims 1, 7 and 13, respectively. Since there is no showing that Benveniste teaches the features missing in Aaltonen as discussed above in connection with claims 1, 7 and 13, these dependent claims are also patentable for at least the reasons cited above with respect to their corresponding independent claims.

Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Conclusion

In view of the foregoing remarks, Applicants solicit entry of this response and allowance of the claims. If, however, the Examiner believes such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6834, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
Guillaume Bichot et al.

February 12, 2009
Date

/Wan Yee Cheung/
Wan Yee Cheung
Attorney for Applicants
Reg. No. 42,410
Phone (609) 734-6834

Patent Operations
Thomson Licensing, Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312